

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAMEL PURNELL,

Plaintiff,

- against -

CAPT. WILLIAMS, ET AL.,

Defendants.

22-cv-5956 (JGK)

ORDER TO AMEND

JOHN G. KOELTL, District Judge:

For the reasons that follow, the plaintiff is directed to file an Amended Complaint within thirty (30) days of the mailing date of this Order and the Court's Order of Service, both signed December 13, 2023.

On June 8, 2022, the plaintiff signed a complaint naming Captain Williams and six "John Doe" Correction Officers as defendants. See ECF No. 2. On July 29, 2022, this Court directed the New York City Law Department (the "City"), to identify the true names of the John Doe defendants and to provide this information to the plaintiff and the Court pursuant to Valentin v. Dinkins, 121 F.3d 72, 76 (2d Cir. 1997). See ECF 6. In that Order of Service, the Court also directed the plaintiff to file an Amended Complaint naming the John Doe defendants within 30 days of receiving the identifying information. The Court noted that it would screen the Amended Complaint.

By letter dated November 25, 2022, the City responded to the Valentin order by: (1) identifying Captain Williams as Captain Clive Williams, Shield #1836; and (2) supplying the names of members of the "probe team" involved in extracting Plaintiff from his cell at AMKC. See ECF No. 16. However, it is unclear whether the plaintiff received this letter, and no subsequent order was issued directing the plaintiff to file an amended complaint. The plaintiff did not respond to the City's Valentin letter, and to date, the plaintiff has not filed an amended complaint. Accordingly, the plaintiff is directed to file an Amended Complaint within thirty days of the mailing date of this Order and the Court's Order of Service. The Amended Complaint should include any specific allegations against the defendants. The Amended Complaint will replace, not supplement, the original complaint. A copy of the form for an Amended Complaint is attached to this Order. A copy of the City's letter in response to the Valentin Order is also attached to this Order.

CONCLUSION

The Court directs the plaintiff to file an Amended Complaint within thirty days of the mailing date of this Order and this Court's Order of Service, dated December 13, 2023. If

the plaintiff does not file an Amended Complaint, the action will proceed with the original complaint.¹


The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would be frivolous, and therefore in forma pauperis status is denied for the purpose of an appeal.

Cf. Coppedge v. United States, 369 U.S. 438, 444-45 (1962)

(holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: New York, New York
December 13, 2023



John G. Koeltl
United States District Judge

¹ An Order of Service, signed December 13, 2023, has been filed with respect to the original complaint. If the plaintiff files an Amended Complaint, it will be served on the defendants pursuant to Rules 4 or 5 of the Federal Rules of Civil Procedure, as appropriate.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Write the full name of each plaintiff.

-against-

____ CV ____

(Include case number if one has been assigned)

**AMENDED
COMPLAINT**
(Prisoner)

Do you want a jury trial?

☐ Yes ☐ No

Write the full name of each defendant. If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed above must be identical to those contained in Section IV.

NOTICE

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

I. LEGAL BASIS FOR CLAIM

State below the federal legal basis for your claim, if known. This form is designed primarily for prisoners challenging the constitutionality of their conditions of confinement; those claims are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "*Bivens*" action (against federal defendants).

☐ Violation of my federal constitutional rights

☐ Other: _____

II. PLAINTIFF INFORMATION

Each plaintiff must provide the following information. Attach additional pages if necessary.

First Name	Middle Initial	Last Name
State any other names (or different forms of your name) you have ever used, including any name you have used in previously filing a lawsuit.		
Prisoner ID # (if you have previously been in another agency's custody, please specify each agency and the ID number (such as your DIN or NYSID) under which you were held)		
Current Place of Detention		
Institutional Address		
County, City	State	Zip Code

III. PRISONER STATUS

Indicate below whether you are a prisoner or other confined person:

☐ Pretrial detainee

☐ Civilly committed detainee

☐ Immigration detainee

☐ Convicted and sentenced prisoner

☐ Other: _____

IV. DEFENDANT INFORMATION

To the best of your ability, provide the following information for each defendant. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are identical to those listed in the caption. Attach additional pages as necessary.

Defendant 1:

First Name	Last Name	Shield #
Current Job Title (or other identifying information)		
Current Work Address		
County, City	State	Zip Code

Defendant 2:

First Name	Last Name	Shield #
Current Job Title (or other identifying information)		
Current Work Address		
County, City	State	Zip Code

Defendant 3:

First Name	Last Name	Shield #
Current Job Title (or other identifying information)		
Current Work Address		
County, City	State	Zip Code

Defendant 4:

First Name	Last Name	Shield #
Current Job Title (or other identifying information)		
Current Work Address		
County, City	State	Zip Code

V. STATEMENT OF CLAIM

Place(s) of occurrence: _____

Date(s) of occurrence: _____

FACTS:

State here briefly the FACTS that support your case. Describe what happened, how you were harmed, and how each defendant was personally involved in the alleged wrongful actions. Attach additional pages as necessary.

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

INJURIES:

If you were injured as a result of these actions, describe your injuries and what medical treatment, if any, you required and received.

VI. RELIEF

State briefly what money damages or other relief you want the court to order.

VII. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I understand that if I file three or more cases while I am a prisoner that are dismissed as frivolous, malicious, or for failure to state a claim, I may be denied *in forma pauperis* status in future cases.

I also understand that prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions, 42 U.S.C. § 1997e(a), and that my case may be dismissed if I have not exhausted administrative remedies as required.

I agree to provide the Clerk's Office with any changes to my address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

Dated _____		Plaintiff's Signature _____	
First Name _____	Middle Initial _____	Last Name _____	
Prison Address _____			
County, City _____	State _____	Zip Code _____	
Date on which I am delivering this complaint to prison authorities for mailing: _____			



HON. SYLVIA O. HINDS-RADIX
Corporation Counsel

THE CITY OF NEW YORK
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November 25, 2022

VIA ECF

Hon. John G. Koeltl
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Jamel Purnell v. City of New York, et al., 22 Civ. 5956 (JGK)

Your Honor:

I am a Senior Counsel in the Office of Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and the attorney assigned to the above-referenced matter.¹ Defendant writes in response to the Court's Valentin Order dated July 28, 2022 (ECF No. 6).

By way of background, plaintiff, who is proceeding *pro se*, is alleging that he was subjected to excessive force while incarcerated at Anna M. Kross Center ("AMKC") by Correction Officers led by a "Captain Williams" on or about July 4, 2021, who then failed to provide medical attention. (See ECF No. 2). Plaintiff filed this lawsuit on July 11, 2022. (Id). On July 28, 2022, the Court ordered this Office to identify the unidentified individuals referenced in plaintiff's complaint and provide their identities to the Court and plaintiff by September 26, 2022. (See ECF No. 10). Defendant City filed an executed waiver of service on August 29, 2022. (See ECF No. 9). This Court granted defendant City's request for an enlargement of time to respond to the Valentin order until November 25, 2022.

In attempting to comply with the Valentin Order, this Office communicated with DOC and determined that plaintiff was not housed in AMKC during the relevant time period alleged in the Complaint. Upon further investigation, however, this Office discovered that plaintiff was housed in AMKC on July 7, 2020, where he was subject to an extraction by a probe team led by a Captain Williams under similar circumstances alleged in the Complaint. Therefore, this Office, without prejudice to any defendant's defenses, or right to supplement or revise the following, was able to

¹ This case has been assigned to Assistant Corporation Counsel Jesse Zilinski, who is pending admission to the New York State Bar. Mr. Zilinski is handling this matter under supervision and may be reached at (212) 356-2381 or jzilinsk@law.nyc.gov.

ascertain the name of DOC employees who were involved in extracting plaintiff on July 7, 2020:

The following are assigned to and may be served at the Anna M. Kross Center, 18-18 Hazen Street, East Elmhurst, NY 11370

- Captain Clive Williams, Shield #1836
- Correction Officer Jamal Evans, Shield #3435
- Correction Officer Comoe Mangoua, Shield #19670,
- Correction Officer George Almonte, Shield #10649
- Correction Officer Richard Hilaire, Shield #6912
- Correction Officer Adrian Mills, Shield #14470
- Correction Officer Alex Holland, Shield #13659

The following may be served at the New York City Law Department at 100 Church Street, New York, NY 10007 C/O Jesse Zilinski

- Philip Tancora
- Milton Hossen
- Nicholas Devecchis
- Munihim Iddris

Thank you for your time and consideration.

Sincerely,

/s/ Joseph Zangrilli

Joseph Zangrilli
Senior Counsel

cc: **Via Regular Mail**
Jamel Purnell
Plaintiff pro se
George R. Vierno Center (GRVC)
09-09 Hazen Street
East Elmhurst, New York 11370